

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23652 of 2004

Between:

Sabavat Rukman Naik S/o Ganniaya Naik r/o H. No. 8-2-293/82/1, Jawahar
Colony, Indira Nagar Road No. 2 Banjara Hills, Hyderabad

... PETITIONER

AND

1 The Deputy Director of Survey & land Records,

Hyderabad District Collectorate, Hyderabad.

2 The Mandal Revenue Officer Shaikpet Mandal,

Hyderabad District.

3 The Commissioner, Municipal Corporation of Hyderabad,

Tankbund, Hyderabad.

4 The Assistant City Planner, Town Planning Section,

Circle-V Municipal Corporation of Hyderabad Khairtabad,

Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or Direction, more particularly one in nature of Writ of Mandamus directing the Respondents 1 & 2 to consider and dispose of the Petition filed under Section 9 & 10 of A.P. Survey & Boundaries Act, 1923 within four weeks from today by giving notice/opportunity to all the parties to the dispute including Respondent No.3 & 4 and consequently direct the Respondents 1 & 2 furnish the result of the Survey to the respondents 3 & 4 also, as the Respondents 3 & 4 do not know where the Sy. No. 102/3, Hakimpet Village, Shaikpet Mandal, Hyderabad is located in view of the letter No. 938/TP/MCH/C5/04 dt 27-3-2003 in the interest of justice and pass such other order or orders.

Counsel for the Petitioner: Mr.B.Sudhakar Reddy & Associates

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

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ORDER:

The petitioner claims to have submitted an application before the first respondent requesting to arrange for survey of land in Sy.No.102/3 of Hakimpet village, Shaikpet Mandal, Hyderabad, under Sections 9 and 10 of A.P. Survey and Boundaries Act, 1923. The necessity for the petitioner to file the application appears to have arisen in view of a letter addressed by the Municipal Corporation on 27.03.2004. The grievance of the petitioner is that respondents 1 and 2 have not taken any steps so far.

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue.

The A.P. Survey and Boundaries Act prescribes procedure for conducting survey of the lands. Sections 9 and 10 of the said Act enable the persons claiming rights in respect of any land to make application to undertake survey. As and when an application is made, duly paying the requisite fee, the concerned authorities are under obligation to conduct survey. If there exist any impediment in acceding the request, the same has to be intimated to the applicant. There does not exist any justification to sit over the matter indefinitely.

Hence, the writ petition is disposed of, directing the respondents 1 and 2 to take appropriate steps on the application submitted by the petitioner requesting for conducting the survey of the land referred to above. It is made clear that if it is impossible for them, for any reason, they shall intimate the same to the petitioner, within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

22nd December, 2004

To

1 The Deputy Director of Survey & land Records,

Hyderabad District Collectorate, Hyderabad.

2 The Mandal Revenue Officer Shaikpet Mandal,

Hyderabad District.

3 The Commissioner, Municipal Corporation of Hyderabad,

Tankbund, Hyderabad.

4 The Assistant City Planner, Town Planning Section,

Circle-V Municipal Corporation of Hyderabad Khairtabad,

Hyderabad.

5 Two C.Cs. to the Government Pleader for Revenue,

High Court buildings, Hyderabad (OUT)

6 Two C.D.copies